PENFIELD TOWN BOARD MEETING AGENDA
Wednesday, December 1, 2010 7:30PM
Supervisor R. Anthony La Fountain, presiding

Public Hearing # 1 – To Allow a Sit-Down Restaurant with Outdoor Dining at 2135 Five Mile Line Road – SBL #139.10-1-3 –Richard Vitale-Rosies (Resolution # 10T-228)

Public Hearing # 2 – To Consider Adoption of Proposed Local Law #1 of 2010 Dog Licensing and Animal Control Law (Resolution # 10T-233)

I Call to Order - Pledge of Allegiance - Roll Call

II Communications and Announcements

III Public Participation

IV Additions and Deletions to Agenda

V Approval of Minutes –November 3, 2010

VI Petitions

VII Resolutions by Function

Law and Finance-None

Public Works

#10T-240 Temporary/Conditional Roadway Dedication for 2010

#10T-241 Final Roadway Dedication for 2010

Public Safety-None

Community Services

#10T-242 Youth State Aid Agreement

#10T-243 2010 Budget Amendment Recreation Programs

VIII Old Business

IX New Business

X Public Participation

XI Adjournment
The Regular Meeting of the Penfield Town Board was held on Wednesday, December 1, 2010 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  R. Anthony LaFountain  Supervisor
Linda Kohl  Councilwoman
Paula Metzler  Councilwoman
Andrew Moore  Councilman
Robert Quinn  Councilman

Also Present:  Amy Steklof  Town Clerk
Richard Horwitz  Town Attorney

Supervisor LaFountain called the meeting to order.

Public Hearing #1  Issuance of a Special Permit to Allow a Sit-Down Restaurant with Outdoor Dining at 2135 Five Mile Line Road – Richard Vitale – Rosie’s

The Town Clerk read the Title of the Notice of Public Hearing, said Notice was published in the Penfield Post on November 11, 2010, posted on the website and on the Bulletin Board. Mr. Horwitz declared the Hearing properly before the Board.

Richard and Roseann Vitale, 1769 Scribner Road stated they would like to open an Italian Café at 2135 Five Mile Line Road, formally called Rigatoni’s Pasta Café.

Mr. Vitale stated the restaurant will be an eat-in, take-out and catering establishment featuring Italian Food and that there will be indoor seating for twenty five patrons and outdoor seating for approximately twelve patrons.

Mr. Vitale also stated that the site has twenty nine parking spaces that will be shared with three (3) other tenants, thirteen parking spaces on Mott’s Lane, thirteen public parking spaces for off street parking on Five Mile Line Road and fifty spaces across the street in the public parking lot.

Mr. Vitale stated that operating hours will be Sunday – Thursday from 10:00 AM – 9:00 PM, and Friday – Saturday from 10:00 AM – 10:00 PM. They plan to have three (3) – six (6) employees.

Mr. Vitale stated they currently own and operate an Italian Café downtown.

Supervisor LaFountain asked about signage for the establishment.
Mr. Vitale stated they have submitted an application for a permit to have an awning professionally made by the Good Sign Company with the name Rosie’s Italian Café. Mr. Vitale also stated that there is lettering in the windows, and they will also have a two (2) foot by three (3) foot sandwich board by the street.

Councilman Quinn asked whether outdoor seating will impede on any of the parking spots?

Mr. Vitale stated there will be enough room on the sidewalk for seating.

Councilman Quinn also asked whether the Vitale’s plan on applying for a liquor license?

Mr. Vitale stated he will be applying for a license, but will be serving only beer and wine.

Councilwoman Metzler asked whether the Vitale’s will have a restaurant vehicle to deliver catering, and whether it will be parked on the premises?

(Public Hearing #1 – Continued)

Mr. Vitale stated that they will have their personal vehicle parked on the premises to be used for catering delivery.

Councilwoman Metzler asked if they will be offering take-out?

Mr. Vitale stated that they would be offering take-out.

Councilwoman Kohl asked where would employees park?

Mr. Vitale stated the employees will be parking in the back of the plaza.

Councilwoman Kohl asked what meals will be served?

Mr. Vitale stated they will be serving lunch and dinner.

Councilwoman Kohl asked what date the Vitale’s would like to open Rosie’s if the application is approved?

Mr. Vitale stated he hopes to open at the beginning of 2011.

Councilwoman Kohl asked whether they have a website?

Mr. Vitale said they are in the process of building one.

Hearing closed.
Public Hearing #2  

To Consider Adoption of Proposed Local Law #1 of 2010, Dog Licensing and Animal Control Law

The Town Clerk read the Notice of Public Hearing, said Notice was published in the Penfield Post on November 11, 2010, posted on the website and on the Bulletin Board. Mr. Horwitz declared the Hearing properly before the Board.

Town Clerk Amy Steklof stated that New York State has passed Legislation that as of January 1, 2011 they will no longer be responsible for dog licensing and will eliminate the Animal Population Control Fund requiring local municipalities to take over this function. Because of this, the Town will have to adopt new Legislation to accommodate this unfunded mandate.

The proposed Law provides for the licensing and identification of dogs and to protect citizens and personal property from dangerous dogs and to preserve the health, safety and welfare of the public by enforcing regulations and restrictions on the activities of dogs.

Town Clerk Steklof also stated, it sets forth dog licensing requirements, procedures and fees and provides for the permanent assignment of a municipal identification number for each dog licensed and requires an identification tag to be affixed to the collar on each said dog at all times.

Further the Law provides for the seizure, confinement and/or impoundment of dogs that are unlicensed, dangerous, or engage in unlawful activities, such as running at large, attacking persons or nuisance barking.

The Law also sets forth fees for impoundment and the penalties for violations of the proposed Law.

Supervisor LaFountain thanked the Town Clerk and recognized Animal Control Officer, Ray Wilson.

Councilman Moore asked the Town Clerk whether State Legislation allows the Town of Penfield, or any other Town to opt out of administering the Dog Licensing Program? (Public Hearing #2 - Continued)

Town Clerk Steklof stated that the State has passed Legislation requiring all municipalities to provide the Dog Licensing Program.

Councilwoman Metzler stated that she would like to reiterate what the Town Clerk stated, that this is an unfunded mandate by the State.
Supervisor LaFountain asked the Town Clerk whether the State receives any fees from the Towns?

Town Clerk Steklof said the State will receive a $3.00 surcharge for unspayed and unneutered dogs, and a $1.00 surcharge for spayed and neutered dogs.

Supervisor LaFountain noted that the Town does the work and incurs the cost, and the state skims off the top.

Town Clerk Steklof stated that is correct.

Town Clerk Steklof stated that she along with Animal Control Officer, Ray Wilson, Town Clerk Staff and the Town Attorney have been working diligently to put together the dog licensing program, including the purchase of all supplies in order to meet the State mandate.

Supervisor LaFountain recognized the Town Clerk, the Animal Control Officer, and the Town Attorney on behalf of the Town Board for putting together the Dog Licensing Program, and getting it ready to be adopted and compliant with the Law for January 2011.

Supervisor LaFountain also stated that he understands that the computer system in the Town Clerk’s office has been updated with newly purchased Town Clerk software so as to include the ability to track all dog licensing information.

Town Clerk Steklof stated that the Town Clerk’s office did purchase new software to accommodate the Dog Licensing program.

Hearing closed.

Supervisor Laffount called the meeting to order - The Pledge of Allegiance was led by Jim Costello, Director of Developmental Services.

Town Clerk Steklof recognized Town Clerk staff member, Lisa Grosser and welcomed her to the meeting.

Communications and Announcements

1. Town Clerk Steklof stated the celebration of Chanukah began today at sundown and will continue for eight (8) days. Town Clerk Steklof invited the Penfield Community to a Chanukah celebration Thursday, December 2, 2010 at 3:30 PM where Supreme Court Justice, and former Councilman Matthew Rosenbaum will give a presentation on the holiday. On behalf of the Town Board, Town Clerk Steklof wished all those celebrating the Chanukah holiday a very Happy Chanukah.
2. Winter Safety tips can be found on the Town’s website at www.penfield.org and by clicking on the quick link for Winter and Holiday safety.

3. Town lodge rental opportunities for 2011 can now be reserved on-line or in person at the Penfield Recreation office for Harris Whalen Lodge or Dolomite Lodge. Reservations will not be taken over the phone.

4. To find links to different forms of Town Communications such as Facebook, Twitter, and YouTube video’s go to www.penfield.org and click on communications.

(Communications and Announcements - Continued)

5. The Town of Penfield Recreation Department’s Winter/Spring Programs brochure will be available mid-December and on-line December 3, 2010 at www.penfield.org.

6. Letters to Santa can be sent in care of Penfield Recreation, 1985 Baird Road, Penfield, NY 14526. Letters need to be postmarked no later than December 3rd, 2010 and must include a return address.

7. The annual Santa’s all-you-can-eat Pancake Dinner will be held Saturday, December 4, 2010 from 5:00 – 7:00 PM at the Penfield Community Center and will cost $4.00 per person or $10.00 per family. Children under three (3) years of age are free. For advanced tickets call 340-8655.

8. The Town Hall offices will be closed for the Christmas Holiday, December 23 and 24, 2010 and again on December 31, 2010 for the New Year’s Holiday.

9. The 50+ Adult Holiday Luncheon at the Penfield Community Center will be held Friday, December 10, 2010 at 12:15 PM. Tickets are $7.00 and should be purchased by December 3rd at Penfield Recreation.

10. The Town of Penfield is looking for volunteers for Boards and Committees. Please send an e-mail or letter of interest and resume to Town Clerk, Amy Steklof by 5:00 PM December 17, 2010 to 3100 Atlantic Avenue, Penfield, NY 14526 or to steklof@penfield.org.

11. The “Green Tip” from the Town of Penfield Energy and Environmental Advisory Committee is to make the switch to LED Holiday lights (www.earth911.com)

12. The Penfield Trails Committee free public hike will be held Saturday, December 11, 2010 at 10:00 AM at the Thousand Acre Swamp. The hike will begin at the Don Mack
13. Winter Parking rules are in effect through April 1, 2011. There will be no parking allowed on all roads and highways between 2:00 AM and 7:00 AM.

14. The Town Board will conduct a Public Hearing Tuesday, December 7, 2010 at 7:30 PM to consider Amendments to Article VII of the Penfield Zoning Ordinance.

15. The “Memories of Penfield” book is still for sale and can be purchased at the Town Clerk’s office or the Recreation Department for $15.00 or two (2) for $24.00.

16. Councilwoman Kohl’s Community Chat will be held on Saturday, December 11, 2010 from 9:00 – 10:30 AM at the Four Corners Starbucks, 1806 Penfield Road.

17. Longtime Penfield families with ancestors who have lived in the Town for 100 years or more, will be honored at a ceremony on December 19, 2010 from 2:30 – 4:00 PM in the Ruth Braman Room at the Penfield Community Center. Certificates will be awarded. A reception will be held following the program.

18. The Town of Penfield Bicentennial Celebration Finale will be held Wednesday, December 15, 2010 at 6:30 PM at the Town Hall. All are invited to attend.

(Communications and Announcements – Continued)

19. An old fashioned Christmas at Dayton’s Corner School, located at the corner of Plank Road and Creek Street, will be held Sunday, December 12, 2010 from 1:00 – 4:00 PM. There will be Horse Drawn Wagon rides, old-time fiddle music, free refreshments, ornaments, and other items for sale.

20. The Penfield Symphony Holiday Concert will be held on Monday, December 6, 2010 at 7:30 PM at the Penfield High School.

Public Participation – None

Additions and Deletions to Agenda – None

Approval of Minutes

Councilman Moore moved to approve the Minutes of November 3, 2010. Councilwoman Kohl seconded and all voted “Aye.”
Petitions - None

Resolutions by Function

Law and Finance - None

Public Works

#10T-240 Temporary/Conditional Roadway Dedication for 2010 by Metzler

WHEREAS, the following developers have made application to the Highway Department of the Town of Penfield for the temporary/conditional dedication of Town highways in the Town of Penfield as noted in the following and described more fully on subdivision plats listed below, which have been approved by the Planning Board, for the purpose of allowing the Town to provide snow plowing services to those highways:

Antetomaso Homes - Water Song Subdivision - Phase 3A - A portion of Water Song Trail

Combat Construction - Camden Park Subdivision - Section 3 - A portion of Tuscany Lane

Fedyk Builders, Inc. - Fairview Crossings Subdivision - Phase 6 - A portion of Cali Ridge

Fedyk Builders, Inc. - Fox Hill Subdivision - Section 6 Phase B - A portion Lynx Court

Pride Mark Homes - Arbor Ridge Subdivision - Section 1 - A portion of Belmoral Drive

Summers Pittsford Family, LLC - Newbury Park Subdivision - Section 7 - A portion of Millford Crossing

Thomas Simone and Sons Properties - Graceland Estates Subdivision - Section IV - A portion of Triple Diamond Way

NOW, THEREFORE, BE IT FURTHER RESOLVED, that consent be and the same is hereby given that the Highway Department of the Town of Penfield, Monroe County, New York, make Orders laying out the aforesaid Town highways to consist of lands as referred to in said Dedications and Releases pertaining to each, all in accordance with Section 171 of the Highway Law of the State of New York.

Moved: Metzler
Seconded: Moore

(Resolution #10T-240 - Continued)

3100 Atlantic Avenue, Penfield, New York 14526, USA
Tel: (585) 340-8600 • Fax: (585) 340-8667 • www.penfield.org
Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Aye
Quinn Aye

Adopted

#10T-241 Final Roadway Dedication for 2010 by Metzler

WHEREAS, the following developers have made application to the Highway Department of the Town of Penfield for the final dedication of Town highways in the Town of Penfield as noted in the following and have dedicated and released the necessary lands owned by them for the proposed highways:

Antetomaso Homes - Water Song Subdivision - Phase 3A - A portion of Water Song Trail

Crosstown Construction, Co., Inc. - Cobblers Square - Legacy Circle

1221 Hatch Road, LLC - Galant Woods Subdivision - Section 3 - A portion of Jewelberry Drive and Galante Circle

Jon-Lar Homes, Inc. - Camden Park Subdivision - Section 1 - A portion of Tuscany Lane and Sorrento Drive

Summers Pittsford Family, LLC - Newbury Park Subdivision - Section 4 Phase 3A - A portion of McKenna Trail

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Consent be and the same is hereby given that the Highway Department of the Town of Penfield, Monroe County, New York, make Orders laying out the aforesaid Town highways to consist of lands as referred to in said Dedications and Releases pertaining to each, all in accordance with Section 171 of the Highway Law of the State of New York.

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Aye
Quinn Aye

Adopted

Public Safety - None

Community Services

#10T-242 Youth State Aid Agreement by Kohl
WHEREAS, the Town of Penfield wishes to continue to participate in the Comprehensive Youth Services Planning in Monroe County, and

WHEREAS, the Town Board of the Town of Penfield wishes to delegate its right to claim State Aid in the County of Monroe in the year 2011, so that the Town can participate in the County's Comprehensive Plan, and

WHEREAS, the New York State Office of Children and Families Services Division requires that the Town of Penfield's application for State Aid be approved by the Town,

NOW, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF PENFIELD as follows:

Section 1. The Town delegates its right to claim State Aid to County of Monroe for the year 2011 so as to participate in the County's Comprehensive Plan.

(Resolution #10T-242 - Continued)

Section 2. The application for State Aid by the Town is hereby approved.

Section 3. A contract is authorized between the Town and the County of Monroe regarding the financial agreement under the comprehensive Youth Services Planning in Monroe County.

Section 4. This resolution shall take effect immediately.

Moved: Kohl
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
       Metzler Aye Moore Aye
       Quinn Aye

Adopted

#10T-243 2010 Budget Amendment Recreation Programs by Kohl

WHEREAS, the Town Board authorized several program changes for recreation activities during 2010, and revenues and expenditures have exceeded current budget amounts in the 2010 budgets, and

WHEREAS, the Town Board of the Town of Penfield desires to have an up-to-date budget in relation to income and expenditures,

NOW, THEREFORE, BE IT RESOLVED, THAT the 2010 budget be amended as follows:
### GENERAL FUND REVENUES - INCREASE

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(Resolution #10T-243 - Continued)

### GENERAL FUND APPROPRIATIONS - INCREASE

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(Resolution #10T-243 - Continued)
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01-7140-0004-4021  Judo  500.00  13,500.00
01-7140-0004-4045  Tennis  2,340.00  8,840.00
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Total Increase in Budget Revenue Lines = $25,595
Total Increase in Budget Appropriation Lines = $25,595

Moved: Kohl
Seconded: Metzler

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Old Business - None

New Business - None

Public Participation

Tom Cleary, 1250 Jackson Road, stated he continues to feel that the pond on Angean Drive is not functioning properly and urges the Town Board to look into the issue further.

County Legislator Debbie Drawe, 5 Cobblestone Crossing, congratulated Supervisor LaFountain on an article that appeared in the newspaper regarding his involvement with Crime Stoppers and helping to raise over $12,000 for the Organization.
Legislator Drawe gave a Legislature update stating that the 2011 Budget for The Monroe County Human Services Committee was presented last night. Legislator Drawe also stated that the 2008 County Program “Project Saved” which helps families on welfare become more independent has exceeded the initial goal. The goal was to save $13.4 million dollars in a four (4) year period. However, the program has saved over $22 million in only a three (3) year period.

(Public Participation - Continued)

Councilwoman Drawe stated that there are still opportunities for people to attend Legislature meetings and to comment on the budget. A Public Hearing will be held in front of the Ways and Means Committee on December 9, 2010. The Budget will be voted on at the December 14, 2010 Monroe County Legislative meeting, and will begin at 6:00 PM.

Legislator Drawe stated she will hold office hours with Legislator and Majority Leader Dan Quatro on December 6, 2010 at the Penfield Community Center from 5:00 - 7:00 PM.

Adjournment

Supervisor LaFountain adjourned the meeting at 8:14 PM.

Amy Steklof
Town Clerk